

REMARKS

Favorable consideration of this application as presently amended is respectfully requested.

This amendment addresses the matters discussed with Examiner Jaworski between September 2, and October 19, 2004. More specifically, the present amendment corrects the errors noted in the Office Communication of August 24, 2004, corrects the errors of Claims 1, 14, and 24 noted by Examiner Jaworski during a telephone conversation on October 19, 2004, states the errors corrected by the claim amendments, and presents arguments that there is no need to surrender the original patent U.S. Pat. No. 5,694,937. Upon entry of the present amendment, Claims 1-45 and 47-71 will remain pending in this reissue application, Claims 1, 14, 24, 27, and 28 having been amended herewith, and Claim 46 having previously been canceled.

Regarding the errors noted in the Office Communication of August 24, 2004, the specification has been amended at page 1, line 54, to bracket the term "reason" and to add the term "region," and at page 8, line 38, to bracket the term "of." Further, Claim 27 has been amended to bracket the term "frequency" and add the term "power" in the last line of the claim and Claim 28 has been amended in the last two lines of the claim to also bracket the term "frequency" and add the term "power." Applicant notes that the above amendments have been presented in the Supplemental Amendment filed on June 14, 2004, but the amendments lined through terms to be deleted instead of bracketing those terms. No new matter is added.

Regarding the errors noted during the telephone conversation with Examiner Jaworski on October 19, 2004, Claims 1, 14, and 24 have been amended to state that "the motion image displayed by said displaying means being an image of ultrasonic shadowing agent flow as produced by the first power ultrasound, with the displayed motion image being reset by

breaking of the implanted bubbles of the shadow agent upon application of ultrasound of the second power.” These features have been previously added to Claims 1, 14, and 24 by the Amendment filed on June 12, 2002, but the Supplemental Amendment filed on June 14, 2004, presented in error original Claims 1, 14, and 24 instead of amended Claims 1, 14, and 24. No new matter is added.

The present amendment is accompanied by (1) a Supplemental Reissue Oath/Declaration executed by the inventor, and (2) a copy of the Supplemental Reissue Oath/Declaration filed on June 21, 2004 and its date-stamped filing receipt. The present Reissue Oath/Declaration states on page 2, first paragraph, at least one error as required by 35 U.S.C. § 251. Further, the present Reissue Oath/Declaration specifically identifies an error in Figure 5 and another error being the failure to claim the subject matter of Claim 29, in compliance with MPEP § 1414 II.

Finally, Applicant notes that according to amended 37 C.F.R. § 1.178, which is effective September 21, 2004, there is no need to surrender the patent or to make an offer to surrender the patent because the “application for reissue of a patent shall constitute an offer to surrender that patent.” Further, the provisions of new 37 C.F.R. § 1.178 apply retroactively to all pending applications.

In view of the present amendment, the Reissue Oath/Declaration, and the discussions with Examiner Jaworski, this reissue application is believed to be in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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